

House Bill 304
February 7, 2007
Presented by Bob Lane
House Natural Resources Committee

Mr. Chairman and committee members, I am Bob Lane, Chief Legal Counsel for Montana Department of Fish, Wildlife & Parks (FWP).

There are a number of bills this session attempting to deal with new water uses, especially in closed basins. Many, if not most, of proposed new uses for development will be using or asking to use ground water. And, for most of the new development proposing to use wells, the ground water that will be tapped is tributary to the surface water.

There is a critical need to protect senior users while finding ways to facilitate development. FWP is a senior water right holder and so are irrigators. Irrigators, no matter how senior, are affected by tributary ground water wells. There is no headgate to shut off. Shutting down a well does ^{not} help senior irrigators who divert directly from a stream or river because the tributary water ground water that a well intercepts moves slowly. The water that a senior river irrigator is not getting because of a well may have been withdrawn by the wells months to years before.

If these competing needs are not addressed successfully this session, an interim Water Policy Committee may be the only productive way to develop legislation that helps solve the problems that we know must be addressed.

FWP supports HB 304.